

CHAPTERS 13 to 19
Reserved

TITLE II
INSTITUTIONS

CHAPTER 20
INSTITUTIONS ADMINISTRATION

[Prior to 10/1/83, Social Services[770] Ch 16]
[Prior to 3/20/91, Corrections Department[291]]

201—20.1(904) Application of rules. The rules in this chapter apply to all adult correctional institutions unless otherwise stated. Rules related to individual institutions can be found in chapters on the institutions. The institutions covered by these rules are the Iowa state penitentiary, Fort Madison, the Iowa state men's reformatory, Anamosa, the Iowa correctional institution for women, Mitchellville, the Iowa medical and classification center, Oakdale, the correctional release center, Newton, the Mt. Pleasant correctional facility, Mt. Pleasant, the Clarinda correctional facility, Clarinda, and the north central correctional facility, Rockwell City.

201—20.2(904) Title II definitions.

"Class I Disciplinary Report" means the same as a major report and is defined in Department Manual IN-V-36.

"Class II Disciplinary Report" means the same as a minor report and is defined in Department Manual IN-V-36.

"Contraband" means weapons, alcohol, drugs, money, obscene materials, or materials advocating disruption of or injury to inmates, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, against institutional regulations, or materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

"Furlough" means any temporary release from custody as granted in accordance with Iowa Code section 904.108(2).

"Furlough residence" means any private dwelling, apartment, house, trailer court, hotel, motel or community dwelling place.

"Immediate family" means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents, stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the inmate.

For the purpose of visitation, all the above will be included as immediate family provided a positive relationship exists. Immediate family members may be subject to criminal background investigation.

"Law enforcement checks" means prescheduled, in person, check-ins at designated law enforcement agencies such as police departments, sheriff's offices and highway patrol offices.

"Medical practitioner" means medical doctor, osteopathic physician or physician's assistant employed by the department.

"Obscene material" means the same as that described in 20.6(4).

“Performance evaluation” means evaluation of work and program participation as well as other areas of behavior.

“Plan of payment” means the method by which the inmate is to make restitution. The plan may include legal financial obligations. The plan is to reflect the offender’s present circumstances, such as income, physical and mental health, education, employment and family circumstances.

“Plan of restitution” means a plan stating the amount of restitution as set by the court.

“Responsible person” means an individual on the inmate’s visiting list of legal age and in the judgment of the staff, is a person of accountability, is able to think and act rationally, and is willing to facilitate the inmate’s successful completion of furloughs within the furlough rules and facilitate the return of the inmate to the institution. A responsible person shall further mean an individual not now under indictment, sentence or conviction of an indictable public offense. Ex-felons will not be permitted to act as responsible persons for furlough until the demonstration of two years’ successful adjustment in the community after release from any supervision.

This rule is intended to implement Iowa Code section 904.108(1) “k.”

201—20.3(904) Visits to inmates. Inmates are encouraged to maintain and strengthen relationships with family members and friends. Though visits are encouraged as a means to accomplish this, the number and length of visits may be limited by the institution’s schedule, space, personnel constraints, treatment considerations, or other substantial reasons relating to the safety and security of the institutions and its operations.

20.3(1) The name of each person authorized to visit shall be on the inmate’s approved visiting list. This visiting list will accompany the inmate when transferred to another institution.

a. The inmate’s immediate family may be included on the list, normally with no background investigation, unless required for security purposes.

b. Relatives outside the immediate family may be included on the list and allowed to visit pending the availability of space. A background investigation is optional.

c. Friends, including ex-employees, may be included on the list. All friends and ex-employees will be subject to a background investigation with law enforcement officials. Ex-employees will need special approval of the warden/superintendent or designee.

d. An individual on the approved visiting list of one inmate shall not concurrently be on the approved visiting list of another inmate unless approved by the warden, superintendent, or designee of both institutions, jurisdictions, or sovereign. Exception may be made when immediate family members are confined.

e. Persons approved to participate in group volunteer program activities shall not be on an individual visiting list, except with the permission of the warden, superintendent, or designee.

f. The following persons shall be excluded from visiting privileges. Exceptions require the prior approval of the warden, superintendent, or designee.

(1) Individuals who have been discharged from a correctional institution within the last 18 months.

(2) Individuals whose behavior represents a control problem or is counterproductive to the rehabilitation of the inmate. This may be reflected in the background investigation report which shows the individual having a record of carrying concealed weapons, irresponsible or illegal use of a controlled substance, previous violation of institutional rules, or similar behavior.

- (3) Individuals under indictment.
- (4) Individuals on probation, work release, or parole.
- (5) Individuals who have been convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- (6) Individuals who intentionally give false information on the visitor's application form.
- (7) Ex-felons.

20.3(2) Written notification of denial will be given to both the inmate and the applicant within 30 days from application to be on a visiting list. Notification of approval will be only to the inmate. The inmate is responsible for notifying the approved visitor.

a. When approved, the visitor shall be informed on the notification.

(1) That the visitor may be subject to a search when the institution has reason to believe that the visitor is concealing contraband;

(2) That the search may include a pat down, a strip search, or a visual or body cavity probe search; and

(3) That the visitor need not submit to a strip search although refusal may result in the forfeiture of the visit.

b. When denied, the applicant and the inmate shall be apprised of the reasons for denial.

20.3(3) All visitors shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight, and birth date.

a. Signature cards may be required from visitors.

b. All visitors may be required to be photographed for future identification purposes only.

20.3(4) Attorneys, division of criminal investigation agents, federal bureau of investigation agents, law enforcement officials, and ministers shall present proof of identity upon entrance to the institution. The inmate must express a desire to visit a minister or attorney before admission. Attorney and minister visits shall be during normal visiting hours unless a special visit has been requested by the inmate with approval by the warden/superintendent or designee prior to the visit.

20.3(5) Individuals may have visiting privileges modified or terminated when:

a. The inmate or visitor engages in behavior that may in any way be disruptive to order and control of the institution.

b. The visitor or inmate fails to follow the established rules and procedures of the institution.

c. The visitor and inmate directly exchange any object or article. This does not apply to purchases from the canteen or visiting room vending machines which are consumed during the visit.

d. The effect of alcohol or narcotic drugs is detected before, during, or after the visit.

e. The visit or continued visiting is detrimental to the health of the inmate or visitor.

f. The visitor does not manage children to prevent them from interference with or disruption of other visits.

20.3(6) Visits may be restricted to noncontact when, in the discretion of the warden/superintendent or designee, the order or security of the institution may be threatened or when disciplinary rules or procedures have been violated. Noncontact hours will be provided on a scheduled basis. The hours and days will be posted by the warden or superintendent and notice will be posted at least one week prior to any change. Visitors on the noncontact list at the time of a change will be notified as to the change in hours and days by regular mail at the last known address.

20.3(7) Minors outside the immediate family shall have written permission from a parent or guardian and be accompanied by an adult on the approved visiting list. All minors shall have adult supervision. Exceptions shall have prior approval of the warden/superintendent, or designee.

20.3(8) Visitors shall be properly attired as would be expected in a public meeting place. All visitors shall wear shoes and may not wear miniskirts, shorts, muscle shirts, see-through clothing and halter tops. No clothing shall be worn with obscene or lewd slogans, pictures, or words, and similar apparel. Visitors may be required to remove for the duration of the visit outerwear such as, but not limited to, coats, hats, gloves, and sunglasses. A medical need for sunglasses must be verified by prescription.

20.3(9) Visitors may be requested to submit to a personal search (pat down) or review by an electronic device for weapons or contraband. When the electronic device alarm is activated, the visitor shall produce the item or a personal search may be made to find the item that set off the alarm. Visitors may be requested to submit to a strip search when there is reason to believe the person is concealing a weapon or contraband. All strip searches must be authorized in writing by the warden/superintendent or designee. Entrance will be denied when the visitor is not willing to submit to a search. All searches shall be conducted in an inconspicuous manner.

a. Strip search means having a person remove or arrange some or all clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person or a physical probe of any body cavity. Personal search means a pat down search on top of the visitor's clothes.

b. The search will be to the degree deemed appropriate or necessary. A strip search will be conducted only when the following conditions exist:

(1) The search is conducted in a place where it cannot be observed by persons not conducting the search.

(2) The search is conducted by a person of the same sex as the visitor, unless conducted by a medical practitioner or licensed registered nurse. A second correctional employee of the same sex as the visitor shall also be present during the search. In addition, the visitor may request a third person of the same sex as the visitor to be present during the search.

(3) A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ear, or nose shall be performed only by a medical practitioner. In the absence of a medical practitioner a licensed registered nurse may conduct the search and report the findings to the on-call medical practitioner.

(4) It will be permissible and not considered a body cavity search to request a female visitor to remove a sanitary napkin or tampon.

c. A visitor accompanied by a minor child has the option of not having the child present during a strip search or pat down. The child will be attended by a staff person. When a visitor refuses to leave the child with a staff person and does not want the child present during the search, the visit will be denied. At all times when a minor child is searched, the supervising adult shall be present in the room.

d. When a visitor is arrested, the visitor may be searched for weapons which could inflict harm on the arresting officers.

e. Records shall be kept of all strip searches and shall include the name of the person subjected to the search, the names of the persons conducting and in attendance at the search, the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record.

f. Visitors found in possession of contraband shall be referred to the county attorney for prosecution.

20.3(10) Money for deposit in the inmate's account may be left at the cashier's office during business hours or as designated by the warden, superintendent, or designee.

20.3(11) Each institution, according to its facilities and conditions, shall limit the number of visitors an inmate may have at any one time and the length of visits.

20.3(12) Inmates in segregation status may have visits modified in respect to place, time, and visitor, depending on the staff and space available.

20.3(13) Reserved.

20.3(14) Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

20.3(15) The warden or designee may permit special visits not otherwise provided for in these rules. These could include, among others, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and similar reasons. All these visits are at the sole discretion of the warden/superintendent or designee considering appropriate factors including the uniqueness of the circumstances involved for both the inmate and the visitor, security, order, and administrative needs of the institution; and alternatives available to a special visit in ruling on such visits. The decision of the warden/superintendent in these cases shall be final.

20.3(16) Visiting procedures may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restrictions, natural disaster, or other emergency.

201—20.4(904) Mail. Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Inmates have the responsibility in the use of correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for inmate use of the mail.

20.4(1) *Nonconfidential.*

a. Mail will not be read or censored on a regular basis unless there is justifiable cause. In an effort to maintain proper security measures, mail may be monitored on a random basis.

b. All nonconfidential mail shall be inspected for contraband. Nonconfidential mail shall be read when there is suspected abuse of correspondence or a threat to the good sense of order and security of the institution.

20.4(2) *Confidential.*

a. Confidential mail, as defined in this rule, will not be read or censored.

b. Confidential mail will be opened and inspected for contraband and to ensure that the contents are from the return addressee, only in the presence of the inmate.

Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.

c. Confidential letters may be written to: (the sender's name and address must be appropriately identified on the envelope)

(1) Officers of federal, state, or municipal courts (judges, judges' law clerks, prosecuting attorneys, court administrators).

(2) Federal agencies chief administrative officer, elected or appointed officials.

(3) State agencies chief administrative officer, elected or appointed officials.

(4) Clerk of court.

(5) The sentencing state department of corrections chief executive officer, deputy directors.

(6) Sentencing state board of parole.

- (7) Attorney.
- (8) The citizens' aide office.
- (9) Any additional exception by law or policy.
- (10) Civil rights commission.

d. Envelopes containing confidential correspondence shall be marked as "confidential" by the sender.

20.4(3) General.

a. Pursuant to Iowa Code chapter 2C, mail received from the office of citizens' aide shall be delivered unopened.

b. When sending confidential mail, inmates may be requested to seal the envelope in the presence of staff after the envelope and letters have been inspected for contraband.

c. No mail lists will be maintained restricting persons from writing to inmates or inmates writing to persons in the public. All letters mailed by inmates will be left unsealed for inspection of the contents only. Envelopes shall contain letters to the addressee only.

d. All other nonconfidential correspondence and packages, both incoming and outgoing, shall be opened for inspection to remove items of contraband.

To facilitate institutional inspection of first-class mail, writers should avoid enclosures other than the written correspondence. Traditional items such as snapshots of appropriately clothed individuals and clippings from published material may be permitted. Each institution shall have guidelines for the amount and type allowed.

e. With the exception of weekends and holidays, incoming and outgoing mail will not be retained for more than 24 hours prior to delivery unless unusual circumstances exist such as staff shortage, suspected correspondence violations, disturbance, or similar constraints.

f. Persons under the age of 18 must provide written permission to the warden/superintendent from parents or guardian before correspondence with inmates will be allowed.

g. Inmates/offenders under correctional supervision or detention will not be allowed to correspond with other inmates/offenders unless the individuals are immediate family and approved by the authority of the institution or both authorities in the case of correspondence between facilities.

"Immediate family" means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents, stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the inmate.

h. Inmates will be denied mail privileges with persons that might present a risk to the order and security of the institution.

i. All outgoing mail must be sent directly to the individual that the correspondence is written to, and all incoming mail must be sent directly from the individual that wrote the correspondence.

j. No limit will be placed on the number of letters mailed for inmates able to pay the mailing costs. Inmates that are unable to pay mailing costs will receive limited assistance which may be recoverable.

k. Stamped, return-addressed envelopes will be sold through canteen services for all outgoing letters and will be purchased by the inmate.

l. Special equipment may be used to review envelopes for items in the envelopes other than the letter. When the contents of the correspondence is inappropriate or contraband items which are not illegal to possess under the law are found in the mail, the mail will be rejected and the inmate shall be notified with the option to return to sender or destroy.

m. When mail is rejected due to inappropriate contents of the correspondence or contraband is found, provided the correspondence is not retained for investigation or prosecution, the inmate that the mail was addressed to will have the option of paying the postage to return the mail to the sender or having the mail destroyed by institutional staff. The inmate must choose one of the two options within three days of the rejection notice. This rule is in reference to the return of opened mail per United States Postal Service, Office of Classification and Rates Administration, Ruling #206.

The sender of rejected correspondence may protest the decision in writing to the warden/superintendent.

n. All outgoing parcel post items will be packed and sealed by the mail room and postage charged to the inmate.

o. Letters will not be delivered which are written in a foreign language or code unless the foreign language is the only language of the inmate (exceptions may be made by the warden/superintendent).

p. The sender's name shall be signed in full at the end of the letter. The sender's name and address shall appear in the upper left-hand corner of the envelope.

q. The inmate's name, number (if known), box number or street address, city, state, and zip code shall also appear on the envelope of incoming mail.

r. All outgoing mail shall contain a return address including inmate name and number as well as the institution, address, and zip code.

s. Reasonable size restrictions of envelopes may be imposed.

t. Each institution shall have written procedures for disposition (safekeeping and preservation) of contraband.

u. Only first-class letters and packages will be forwarded after an inmate's transfer or release.

v. An individual may deposit funds in an inmate's account by sending only bank drafts or money orders payable to (warden or superintendent's name) for (inmate's name). Identification of the sender and a cover letter shall accompany the bank draft or money order. These funds may be enclosed with a letter to the inmate but shall not be enclosed with a package.

w. Misuse of mails will result in institution discipline and be reported to the United States Postal Inspector or other state or federal agencies for action.

201—20.5(904) Money orders/cashier's checks for inmates. Money orders/cashier's checks only will be accepted for deposit into an inmate's account by mail or per 20.3(10). Money orders/cashier's checks must be made payable to the warden and must include the inmate's name and ID number. Suspected abuse of money requests from the public by an inmate may be cause for limits or restrictions on the amounts and from whom money can be received.

201—20.6(904) Publications. The institution shall allow inmates access to publications when consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation.

20.6(1) Publications include periodicals, newspapers, books, and other printed matter. All publications shall be unused and sent directly from a reputable publishing firm or book store which does mail order business. Any exceptions must be authorized by the warden or superintendent. No publication will be denied approval solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, will be controlled for safety and security reasons.

20.6(2) All publications not on the approved list shall be reviewed by a publication review committee for approval or denial.

a. The committee shall be appointed by the director, department of corrections, and shall include a person with broad exposure to various publications, and two representatives of correctional institutions.

b. The committee shall fairly review all types of publications to be received by inmates in accordance with these rules.

20.6(3) The following procedures shall be used when reviewing a publication not on the approved list:

a. The committee shall approve or deny publications within 15 working days of receipt of the publication.

b. When a publication is denied, the committee shall send a written notice to the inmate, stating the publication involved, the reason for denial, and the inmate's available appeal process.

c. The inmate shall have five days to notify the designated institution staff where to send the material at the inmate's expense or notify the institution that the decision is being appealed.

d. A list of approved publications shall be maintained.

20.6(4) A publication may be denied when the publication presents a danger to the security or order of an institution or is detrimental to the rehabilitation of the inmate. Authorized reasons for denying a publication are that the publication:

a. Is likely to be disruptive or produce violence.

b. Contains material which portrays a minor (any person 17 years of age or younger) engaged in or simulating any of the following:

(1) An act which involves sexual contact between two or more persons by penetration of penis into the vagina or anus, by contact between the mouth and the genitalia or by contact between the genitalia of one person and the genitalia or anus of another person, or by the use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

(2) An act of bestiality involving a minor.

(3) Fondling or touching the pubes or genitals of the minor.

(4) Fondling or touching the pubes or genitals of a person by a minor.

(5) Sadomasochistic abuse of a minor for the purpose of arousing or satisfying sexual desires of the person who may view a depiction of the abuse.

(6) Sadomasochistic abuse of a person by a minor for the purpose of arousing or satisfying the sexual desires of the person who may view a portrayal of the abuse.

(7) Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a portrayal of the nude minor.

c. Contains material portraying bestiality, sadomasochism, or excretory functions or lewd exhibition of the genitals as prohibited by Iowa Code section 728.1(2).

d. Contains information relating to escapes or formulating escape plans.

e. Contains information relating to provoking a riot or disturbance.

f. Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.

g. Contains materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks, including a prison's internal and external communications and automated information systems.

h. Contains information concerning criminal activities.
i. Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited in these rules.

j. May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

20.6(5) Portrayal of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, or other sexually explicit materials will be denied to those inmates when the material is detrimental to the rehabilitation of an individual inmate, based on psychological/psychiatric recommendation.

20.6(6) Publications which contain material portraying fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse or male erection and are not prohibited by 20.6(4)“*b*,” 20.6(4)“*c*,” or 20.6(5) above will be controlled for the security and order of the institution and to assist in enabling its control from those inmates denied access by 20.6(5) above. Institutional procedures shall be established for the inmate to reserve time in a designated controlled area and obtain the material for reading during specified times. The publication will be secured until the inmate makes arrangements for further review of the material. An inmate may have secured no more than ten publications at any given time, none of which are over three months old from publication date or receipt, and any that are in excess of the ten limit or over three months old must be sent out of the institution at the inmate’s expense, or destroyed or taken with the inmate upon release.

20.6(7) An inmate may appeal the committee’s decision or the denial of a publication for treatment reasons within ten days of receipt of the decision by filing written objections to the Director, Department of Corrections, Capitol Annex Building, 523 East 12th Street, Des Moines, Iowa 50319. The director’s decision shall be final.

201—20.7(904) Interviews and statements.

20.7(1) When inmates are selected to be interviewed and photographed within the institution, either singly or as part of a group, identifiable interviews or pictures shall have the written consent of the inmate involved as well as prior consent of the warden, superintendent, or designee.

20.7(2) The warden or superintendent is responsible for all communications with mass media.

201—20.8(904) Guests of institution. Persons wishing to visit the institution shall give prior notice of their intended visit and receive approval for the visit. The prior notice and approval may be waived by the warden, superintendent, or designee for emergencies.

20.8(1) Any guest must agree to comply with the policy and procedures of the institution when signing in at the control center.

20.8(2) Persons under 18 years of age may only visit with prior approval of the warden, superintendent, or designee, and shall be accompanied by a responsible adult. An adult shall be in charge of no more than four children.

20.8(3) Guests shall be escorted by a staff member. Any exception shall have prior approval of the warden, superintendent, or designee.

20.8(4) Guests shall be allowed personal contact with an inmate only when it serves the best interests of the inmate as determined by the warden, superintendent, or designee.

20.8(5) All contacts with inmates shall be absent of any encouragement, support, or suggestion of activity which would bring disorder to the institution.

20.8(6) Rescinded IAB 3/20/91.

201—20.9(904) Donations. Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the warden or superintendent. The warden or superintendent shall evaluate the donation in terms of the nature of the contribution to the institution program. The warden or superintendent is responsible for accepting the donation and reporting the gift to the director, division of adult corrections.

201—20.10(904) Incarceration fees. Effective July 1, 1997, an incarceration fee of up to \$5 per month will be assessed to all inmates who are financially able to pay. The ability to pay will be determined by an inmate's medical, physical, and mental status as well as security and program levels.

20.10(1) Deductions will occur on the first workday of each month provided all other legal and department financial obligations have been met including personal hygiene items and postage. Legal obligations include, but may not be limited to, Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190; Iowa Code sections 904.508, 904.702, 904.809 and 904.909; Iowa Code chapters 610 and 610A; and Iowa Rules of Civil Procedure section 80(b). Federal obligations include but are not limited to United States Code Title 28, Section 1915(b), and Federal Rules of Civil Procedure, page 54, and United States Code Title 31, Section 3713.

20.10(2) For those inmates determined to be able to pay, the first deduction will occur on the first workday in August and on the first workday of each subsequent month thereafter until the release of the inmate.

20.10(3) If an inmate is determined to be able to pay but there are insufficient funds in the inmate's account at the time of the deduction, the amount will be deducted from subsequent credits to the account.

20.10(4) Inmates assigned to a violator program at ICIW or NCF, in accordance with Iowa Code section 904.207, or inmates employed in private sector jobs, in which case federal regulations apply in accordance with Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190, are excluded from deductions as required by rule.

20.10(5) The director may temporarily delay or suspend the collection of these fees or may modify the method or source of collections to minimize related administrative burdens.

This rule is intended to implement Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190.

201—20.11(904,910) Restitution.

20.11(1) Every inmate required by a court order to pay restitution shall have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

20.11(2) The restitution plan of payment shall consider the present circumstances of an inmate's physical/mental health and other legal financial obligations.

20.11(3) The deputy director of institutions shall ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

20.11(4) The warden/superintendent or designee shall approve each restitution plan or modified plan and send a copy to the clerk of court.

20.11(5) Initial inmate complaints regarding restitution plans of payment or modifications may be addressed via the inmate grievance procedure.

20.11(6) The staff shall explain the restitution plan and plan of payment to the inmate. Each inmate shall receive a copy of the restitution plan and plan of payment.

20.11(7) Restitution payments shall be deducted from all credits to an inmate's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an inmate's account from an outside source:

a. An amount, assessed by the warden/superintendent or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If the medical procedures are not performed or carried out, the money shall be returned to the sender at the inmate's expense.

b. An amount, assessed by the warden/superintendent or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OWI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. An account transfer from one institution to another.

e. Refunds from outside vendors or institution commissaries.

f. Property tort claims.

g. Any other exception approved by the warden/superintendent or designee.

20.11(8) Restitution deductions shall be forwarded to the clerk of court in the county of commitment on a quarterly basis.

20.11(9) When the department of corrections has knowledge of other income or assets the district court clerk of the sentencing county shall be so notified.

20.11(10) A percent greater than established in the restitution plan of payment may be deducted from a credit to an inmate's account by authorization of either the inmate, the warden/superintendent or designee, or by court order.

20.11(11) The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.

201—20.12(904) Furloughs. The furlough program is designed to provide an opportunity for the following:

1. To maintain or strengthen family relationships if specific reasons or objectives are documented and verified.

2. To obtain training programs or community services not available in the institution.

3. To seek employment and housing prior to release.

4. For correctional staff to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive release programming. This enables staff to assess the inmate's ability to function in a less restrictive setting such as parole or work release.

Furloughs are a privilege earned by overall responsible behavior and are subject to rules contained in the Iowa Administrative Code and department policies. Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden/superintendent or designee. Reasons for denial or cancellation shall be given to the inmate. Upon request these reasons shall be in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

When uniformity of furlough rules for all institutions is not possible or not prudent, rules shall be published in the respective institution chapters.

Circumstances not covered in the furlough rules will require approval by the warden/superintendent or designee.

The overall criteria and approval for furlough participation shall emphasize community safety, positive institutional performance and future planning.

20.12(1) Minimum eligibility requirements for community visit furlough. These are minimum eligibility requirements and do not automatically confer approval of a furlough plan. For community services furloughs, further requirements shall be met consistent with the furlough level system. These requirements must be met prior to furlough consideration and may be subject to additional requirements by the wardens/superintendents.

- a. Inmates serving a Class "A" felony shall not be eligible for furlough unless the sentence has been commuted to a term of years.

b. Inmates who escape from the institution, escape while on furlough, or commit a felony on furlough during the present commitment will not be eligible for furloughs. Commission of an escape or a felony in this context shall be defined as a finding of guilty by the institutional disciplinary committee or a finding of guilty in a criminal court of law. An exception to this rule may be made when an inmate is authorized a parole or work release.

c. Only minimum security live-out inmates are eligible for furloughs. An inmate must be in minimum live-out status for 91 days or in a prerelease program for two days prior to participating in the furlough.

d. Inmates with detainers are ineligible for furloughs unless the detaining authority provides written authorization for furlough privileges.

e. Inmates serving a mandatory minimum sentence will not be eligible until completion of the mandatory minimum requirement.

f. Inmates with Class I disciplinary reports, to include pending reports and reports in any step of the appeal process, are ineligible for furloughs. This shall include Class II disciplinary reports which have resulted in a loss of furlough privileges.

g. Major and minor disciplinary reports can result in loss of furlough privileges as part of the disciplinary process. Inmates must be sanction free for at least 28 days prior to applying for furlough. This time frame may be extended for serious rule infractions at the discretion of the warden/superintendent.

h. Inmates serving time for a felony conviction, other than a Class "A," shall have served a minimum of one-sixth of the sentence or four months, whichever is greater, in an institution, from the date of commitment to discharge date.

i. Rescinded 3/20/91.

j. Inmates shall have sufficient funds to cover the cost of the furlough including transportation costs.

k. Inmates with pending work release or parole revocation or rescission hearings are not eligible for furlough.

l. Inmates who are suspended from their work assignment or confined to the housing area are not eligible.

m. Inmates with pending transfer referrals to a more secure classification are not eligible.

n. Any inmate having committed murder, rape, or sexual abuse of a child which resulted in a conviction, reduction in charge, plea bargain, or dismissal, or possesses a risk assessment requiring more than three votes for release, shall not be eligible for furlough until the parole board has recommended gradual release and the following procedures are completed:

- (1) Classification committee reviews/approves and forwards to the warden/superintendent.
- (2) Warden/superintendent reviews/approves and forwards to the deputy director of institutions.
- (3) Deputy director makes final approval.

Other than classification appeals to the warden/superintendent, if any step denies the recommendation, that decision is final and the inmate is not entitled to further review. Reasons for denial shall be documented. The denying authority shall state when the case may again be submitted for review. This process will take place on an individual and case-by-case basis.

o. Inmates who have been revoked from work release parole will not be eligible for furlough until six months (182 days) from the date of return to IMCC.

20.12(2) Furlough plan requirements.

a. Law enforcement officials in the community to which the inmate plans to furlough shall be advised of the inmate's intention to furlough. Community input will be taken into consideration during the approval process.

b. Except for community service furloughs, inmates taking furloughs are required to be under the supervision of a responsible person as defined in Title II definitions. A responsible person may be required to have a prefurlough interview with staff when requested and may be required to provide three character references.

c. The furlough plan must be submitted for approval and review before and after the furlough and shall include but not be limited to the following:

(1) Purpose of furlough which shall include specific reasons and objectives for the furlough.

(2) Furlough destination to include name, address, telephone number, and relationship of responsible person.

(3) Complete and adequate transportation plan including means of transportation which must be: With anyone on the inmate's visiting list;

By public transportation. When public transportation is not available from the community in which the institution is located, the warden/superintendent or designee may approve other means of transportation to the public transit site.

(4) Activity schedules to include dates, times, telephone numbers and locations, law enforcement check-ins, estimated departure, arrival times, purpose of the activity, and any further information deemed necessary by the warden/superintendent or designee. Activity schedules will be verified by staff prior to departure and after return. Unspecified or unaccounted for time on furlough will not be permitted.

(5) Names and relationship to all persons with whom the inmate will be in contact.

(6) Whether or not the furlough residence is equipped with a call-forwarding device.

Inmates will not be permitted to have married individuals of the opposite sex (other than immediate family members) as responsible persons unless both husband and wife are listed as responsible persons. Married inmates will not be permitted to have any individuals of the opposite sex (other than immediate family) as responsible persons.

d. The warden/superintendent or designee may impose additional requirements in the furlough plan.

20.12(3) Furlough conditions. Following are minimum conditions and restrictions placed on inmates during their absence from the institution while on furlough:

a. The inmate shall, in person, report to the local law enforcement agency upon arrival at the furlough destination, as indicated in the plan, and have law enforcement personnel sign the form, including the date and time. Additional check-ins may be required in the plan.

b. Only one inmate on furlough shall be permitted at a residence at any given time. Exceptions may be made when the inmates are immediate family members. Additional exceptions may be made only by the warden/superintendent or designee. Inmates are prohibited from participating in activities together on furlough unless specifically authorized in the plan.

c. The inmate and the responsible person shall be in the furlough residence from the hours of 10 p.m. to 6 a.m. Travel to and from the furlough destination is not permitted between the hours of 10 p.m. and 6 a.m. unless it is not feasible to reach the furlough destination from the institution by 10 p.m. or to reach the institution from the furlough destination without traveling during the restricted hours. This shall be reflected in the furlough plan.

d. Inmates on furlough must be available for telephone checks. Random telephone checks will be made to ensure that the inmate is in the place of assignment designated in the furlough plan.

e. Unspecified or unaccounted for time on furlough is not permitted. A maximum of five hours on any given day will be considered for activities during which the inmate is unavailable by telephone during community visit furlough. Time away from a telephone may be used to go to private businesses, churches, make law enforcement check-ins, or participation in approved treatment. These activities and locations must be listed on the furlough plan. Time away from a telephone is not permitted during visits or recreation.

f. Inmates on furlough are not permitted to use call forwarding devices. The plan shall reflect whether or not the furlough residence is equipped with call forwarding.

g. Inmates are not permitted to drive motor vehicles while on furlough. Exceptions shall be made only by the warden or superintendent.

h. Inmates are not allowed to hitchhike while on furlough.

i. Inmates must abide by all laws and institution rules while on furlough. Inmates may not enter establishments whose primary business is the sale of alcoholic beverages. Inmates are prohibited from consuming any alcoholic beverages or controlled substances.

j. An inmate must call the institution to request permission for any change in the furlough plan. Calls received collect to the institution will be charged to the inmate's account.

k. Out-of-state furloughs are not permitted except in a verified emergency, and only with the approval of the director of the department of corrections and the governor or designee (department policy out-of-state travel for inmates).

l. Furloughs for federal offenders are subject to any additional rules and policies as outlined in the federal manual.

m. If the inmate returns to the institution from furlough during visiting hours, a visit may be requested.

20.12(4) Approval process.

a. Staff shall verify all aspects of the furlough plan and eligibility requirements.

b. Each institution shall have written policy describing the process by which the plan, once submitted by the inmate, is reviewed prior to the final decision by the warden/superintendent or designee and shall include time frames for submission.

c. The following information will be considered in determining an inmate's readiness to meet furlough requirements.

(1) Information contained in the plan.

(2) Any recommendations received from local law enforcement in response to furlough notification.

(3) Institutional performance, including conduct, attitude, program participation, and overall adjustment.

(4) Work reports.

(5) Psychiatric/psychological information.

(6) Nature of the instant offense.

(7) Criminal history.

(8) Any other information which may have impact on the successful completion of the furlough.

d. The warden/superintendent or designee shall review each furlough plan and make the final decision to approve or deny the furlough. When the furlough is denied, the inmate will be informed of the reason(s). Upon request, these reasons shall be given in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

20.12(5) *Types of furloughs.* Long furloughs may be allowed when a holiday occurs consecutive to a weekend. In this case, the furlough may begin after work on the last work day prior to the holiday weekend and end by 10 p.m. on the last nonworking day of the holiday weekend. Exceptions of this nature shall be made only with the approval of the warden/superintendent or designee.

a. Emergency furlough. Emergency furloughs will be considered in the event of a death or serious illness in the immediate family. Up to three days may be granted for an emergency furlough. In the event of extenuating circumstances, seven days may be granted with the approval of the warden/superintendent or designee.

b. Community placement furloughs. Inmates shall meet minimum eligibility requirements of Level 3 and be within one month of discharge with approval of warden/superintendent or designee.

Discharge. Develop community resources, seek employment and appropriate housing. Up to a maximum of four calendar days may be granted.

c. Community services furloughs. Inmates shall meet the requirements of Level 2 of the furlough level system. Inmates may apply for furloughs to obtain verified needed services or treatment specified in the individual's treatment plan that is not provided by the institution and cannot be completed by telephone or mail. This includes: education, vocational training, driver's license, medical, family, marital and premarital counseling, psychological treatment, and legal matters of a civil nature. Furloughs may be approved as needed and for the time required to meet treatment or legal needs or to provide services or work that benefits the community.

d. Community visit furloughs. Inmates shall meet the minimum eligibility requirements and the requirements of Level 3. Community visit furloughs may be granted to provide inmates the opportunity to maintain family relationships, to reestablish contact with the community and prepare for release, and to provide staff the opportunity to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive relationships in order to assess the inmate's ability to function in a less restrictive setting such as parole or work release. The number of eligible hours may be reduced at the discretion of the warden/superintendent or designee.

20.12(6) *Furlough level system.* The furlough level system, as published herein allows inmates the opportunity to progress from minimum to maximum privileges available in the furlough program. Progression through the level system is not automatically conferred and is subject to approval of the warden/superintendent or designee. Minimum security institutions in the furlough level system means the Iowa Correctional Institution for Women and the Correctional Release Center. Satellite facilities in the furlough level system means Luster Heights satellite of the Iowa State Men's Reformatory and Montrose (Farm No. 3) and Augusta (Farm No. 1) satellites of the Iowa State Penitentiary.

Due to the structural, staffing, programmatic and geographical differences between the institutions offering furlough programs, it may be necessary to publish in the respective institutional IAC chapters rules which are institution-specific. Levels 2 and 3 shall apply to satellite facilities and minimum security institutions. Levels 4 and 5 shall apply only to prerelease programs in minimum security institutions.

Inmates transferring between furloughing institutions shall maintain their previous furlough level status following a 14-day period at the receiving institution provided that the eligibility requirements continue to be met and provided that level is available at the receiving institution.

a. Level 1.

- (1) Type of furlough: Emergency.
- (2) Frequency: As requested and upon special approval.
- (3) Duration: Three days maximum with special approval up to seven days.
- (4) Time scheduled away from telephone: Up to four hours per furlough day.
- (5) Criteria: Medium/Minimum out or minimum live-out status, with no time limit in that status, verified death or life-threatening illness in immediate family. Inmates in these custody levels by override will require approval of DOC deputy director for institutions or designee.

b. Level 2.

- (1) Type of furlough: Community service.
- (2) Frequency: As needed to complete treatment or legal need.
- (3) Duration: As needed to complete treatment or legal need up to 14 days.
- (4) Time scheduled away from telephone: To be determined on furlough application.
- (5) Entrance criteria: Twenty-one days in minimum live-out status at the institution from which the inmate is requesting furlough. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override will require approval of DOC deputy director for institutions or designee.

c. Level 3.

- (1) Type of furlough: Community visit.
- (2) Frequency: Up to one per every 56-day cycle.
- (3) Duration: Up to 48 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to three hours per furlough day.
- (5) Entrance criteria: Ninety-one days in minimum live-out status; satisfactory or above weekly performance evaluations. Inmates in minimum live-out status by override will require approval of the DOC deputy director for institutions or designee.

d. Level 4 (Prerelease programs only).

- (1) Type of furlough: Community visit.
- (2) Frequency: One per 28-day cycle.
- (3) Duration: Up to 55 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to four hours per furlough day.
- (5) Entrance criteria: Minimum live-out status. Prerelease program placement for 42 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

e. Level 5. (Prerelease).

- (1) Type of furlough: Community visit.
- (2) Frequency: Up to two per 28-day cycle.
- (3) Duration: Up to 55 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to five hours per furlough day.
- (5) Entrance criteria: Minimum live-out status. Twenty-eight days at Level 4. Freedom from any disciplinary report other than reprimand for the past 56 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

20.12(7) Furlough discipline. Inmates are required to be at scheduled residences. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written in instances where the inmate is not at the assigned/scheduled residence. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written if an inmate cannot be reached by telephone check in a 30-minute period.

A discipline report for violation of a condition of leave and unauthorized absence will be written if an inmate fails to return to the institution by the stated return time.

This rule is intended to implement Iowa Code section 904.108.

201—20.13(904) Board of parole interviews. Each institution provides space for the conduct of interviews between the Iowa board of parole and institutional inmates. When these meetings are held in correctional institutions, attendance is subject to security and safety regulations as stated herein. Any exception to these rules must have prior approval of the director of the department of corrections or designee.

20.13(1) Persons desiring to attend a board of parole interview who are not on an inmate's visiting list shall notify the warden or superintendent of the respective institution of their intent to attend. A visitor's application will be sent to the person, and the completed application must be received back by the institution at least 15 days prior to the scheduled date of the parole interview in order that a background investigation with law enforcement officials may be completed prior to attendance at the parole interview. Following a successful background investigation, authorization to attend parole interviews will be continuous subject to these rules and any subsequent background investigations conducted at the discretion of the warden or superintendent.

20.13(2) Due to security considerations, those persons excluded from applying for visitation privileges pursuant to subrule 20.3(1), paragraph "f," subparagraphs (1) to (7), inclusive, are also excluded from attending parole board interviews as listed below:

- a. Individuals who have been discharged from a correctional institution within the last 18 months.
- b. Individuals whose behavior represents a control problem or is counterproductive to the rehabilitation of the inmate. This may be reflected in the background investigation report which shows the individual having a record of carrying concealed weapons, irresponsible or illegal use of a controlled substance, previous violation of institutional rules, or similar behavior.
- c. Individuals on probation, work release or parole.
- d. Individuals who have been convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- e. Individuals who intentionally give false information.
- f. Ex-felons.
- g. When the interview is held inside the institution proper, no children under the age of 18 are allowed.

20.13(3) Due to security considerations the following rules shall apply:

- a. Written notification of approval or denial will be given to the requester.
 - (1) When approved, the requester shall be informed on the notification:
 1. That the attendee may be subject to a search (subrule 20.13(3), paragraph "f") when a staff member has an articulable reason to believe that the attendee is concealing contraband;
 2. That the search may include a pat down, a strip search, or a visual body cavity probe search; and
 3. That the requester need not submit to a strip search although refusal may result in the forfeiture of attendance.
 - (2) When denied, the applicant shall be apprised of the reasons for denial.
- b. All requesters shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight and birth date.
 - (1) Signature cards may be required from requesters.
 - (2) All requesters may be required to be photographed for future identification purposes only.
- c. Individuals may be required to leave the institution when:
 - (1) The inmate or attendee engages in behavior that may in any way be disruptive to order and control of the institution.
 - (2) The attendee fails to follow the established rules and procedures of the institution.
 - (3) The attendee and inmate directly exchange any object or article.

- (4) The attendee talks or communicates with an inmate.
- (5) The effect of alcohol or narcotic drugs is detected on the attendee before or during the interview.
- (6) There is detriment to the health of the inmate or attendee.
- (7) The attendee does not manage children.
- d. Minors outside the immediate family shall have written permission from their parent or guardian and be accompanied by an adult. All children shall have adult supervision. Exceptions shall have prior approval of the warden, superintendent or designee.
- e. Attendees shall be properly attired as would be expected in a public meeting place. Adults and teenagers shall wear shoes and may not wear miniskirts, shorts, muscle shirts, see-through clothing, halter tops, clothing with obscene or lewd slogans, pictures or words, and similar apparel. Attendees may be required to remove, for the duration of the interview, outerwear such as, but not limited to, coats, hats, gloves, and sunglasses. A medical need for sunglasses must be verified by prescription.
- f. Attendees may be requested to submit to a personal search (pat down) or review by an electronic device for weapons or contraband. When the electronic device alarm is activated, the attendee shall produce the item, or a personal search may be made to find the item that set off the alarm. Attendees may be requested to submit to a strip search when there is an articulable reason to believe the person is concealing a weapon or contraband. Each institution shall designate the level of authority required to request a search through institutional policy. This person shall authorize the search in writing. The designation required pursuant to subrule 20.3(9) for visitation will suffice for this subrule as well. Entrance may be denied when the attendee is not willing to submit to a search. The request for a search shall be conducted in an inconspicuous manner. The attendee may verbally request a review by the warden, superintendent, or designee at the time of request for a search.
- (1) Strip search means having a person remove or arrange some or all of their clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person or a physical probe of any body cavity. Personal search means a pat down search on top of the attendee's clothing.
- (2) The search will be to the degree deemed appropriate or necessary. A strip search will be conducted only when the following conditions exist:
 - 1. The search is conducted in a place where it cannot be observed by persons not conducting the search.
 - 2. The search is conducted by a person of the same sex as the visitor, unless conducted by a medical practitioner or licensed registered nurse. A second correctional employee of the same sex as the attendee shall also be present during the search. In addition, the attendee may request a third person of the same sex as the attendee to be present during the search.
 - 3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ear, or nose shall be performed only by a medical practitioner. In the absence of a medical practitioner, a licensed registered nurse will conduct the search and report the findings to the on-call medical practitioner.
 - 4. It will be permissible and not considered a body cavity search to request that a female attendee remove a sanitary napkin or tampon.
- (3) An attendee accompanied by a minor child has the option of not having the child present during a strip search or pat down. The child will be attended by a staff person. When attendee refuses to leave the child with a staff person and does not want the child present during the search, attendance will be denied. At all times when a minor child is searched, the supervising adult may be present in the room.

(4) When an attendee is arrested, the attendee may be searched for weapons which may inflict harm on the arresting officer.

(5) Records shall be kept of all strip searches and shall include the name of the person subjected to the search, the names of the persons conducting and in attendance at the search, the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record.

(6) Attendees found in possession of contraband shall be referred to the county attorney for prosecution.

20.13(4) The space provided for the parole interviews shall have a posted maximum capacity set by the fire marshal. The number of individuals in the room shall not exceed the maximum capacity. Individuals will be admitted on a first-come, first-serve basis.

20.13(5) Cameras and recording devices are permitted with the following exceptions:

a. Media equipment is subject to search prior to admittance and at any time said equipment is inside the institution. Search shall be conducted in the presence of the photographer.

b. Should the attendees be required to pass through areas of the institution where for reasons of security or right to privacy media equipment is disallowed, the use of such equipment is prohibited in those areas.

20.13(6) Interviews may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restriction, natural disaster, or other extreme emergency.

20.13(7) Refer to Iowa Administrative Code, Parole Board[205] for rules governing conduct at the hearings as required by the Iowa Board of Parole.

20.13(8) Rules that apply to registered victims are found in subrule 20.15(8).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

201—20.14 Inmate civil legal assistance. Rescinded IAB 3/20/91.

201—20.15(910A) Victim notification.

20.15(1) Definitions.

“Notification” means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

“Registered” means having provided the appropriate office, agency, or department with the victim’s written request for notification and current mailing address and telephone number.

“Victim” means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

“Violent crime” means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

20.15(2) A victim of a violent crime may become registered with the department of corrections which entitles the victim to be notified when the offender is to be released in any of the following situations:

a. Work release. Approximate date of release and whether the inmate is expected to return to the community where the victim resides will be provided.

b. Furlough. Date of leave, date of return and whether the inmate is expected to return to the community where the victim resides will be provided.

c. Escape. Date of escape will be provided.

d. Expiration of sentence. Date of discharge from an institution will be provided.

e. Recommendations for parole. The institution has submitted a recommendation for parole.

f. Parole. Approximate date of release and whether the inmate is expected to return to the community where the victim resides.

20.15(3) Rescinded IAB 3/20/91.

20.15(4) A victim will become registered upon official request by the county attorney to the Director, or designee, Iowa Department of Corrections, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319.

20.15(5) Assistance for registering may be obtained through the county attorney or contacting the director of corrections at (515)281-4811.

20.15(6) All information with regard to a registered victim will be kept confidential.

20.15(7) A registered victim is responsible for notifying the department of corrections of address or telephone changes.

20.15(8) Registered victims of the Iowa board of parole may attend hearings in accordance with the following rules:

a. Registered victims by the parole board have the right to appear at the inmate(s) parole/work release hearing either personally or by counsel.

b. The parole board notifies victims of any scheduled parole/work release hearings where the board will interview the inmate not less than 20 days prior to the hearing.

c. The parole board notification will request any victim(s) planning to attend a hearing to notify the warden/superintendent of the intention to attend prior to the hearing.

d. A victim may only be denied attendance when, in the opinion of the warden/superintendent or designee, the victim(s) presents a threat to the security and order of the institution.

e. If a victim is denied attendance at a hearing, the parole board shall be notified immediately.

f. The security director or designee should consider separation of victim(s) and family/friends in attendance at the same hearing. If there are any signs of conflict between victims and family/friends of inmates, the victims shall be escorted out of the institution to avoid an unsupervised contact situation on institution grounds.

This rule is intended to implement Iowa Code section 910A.9.

201—20.16 Reserved.

201—20.17(904) Institutional community placement.

20.17(1) *Home care program.* This program allows for selected inmates to be released from institutional confinement for a set period of time for the purpose of caring for the inmate's immediate family. Release may be to a community correction residential facility/halfway house or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. Eligibility criteria.

(1) The inmate must be the natural parent or legal guardian of the child/children.

(2) The inmate must show cause that this program can provide more suitable care than the present living situation of the child/children.

- (3) The child/children must be minor(s).
- (4) The inmate must have been the primary caretaker of the child/children prior to incarceration.
- (5) Investigating staff must be able to confirm that the inmate had satisfactorily served this care prior to incarceration.
- (6) The proposed living arrangements shall provide a suitable environment for the inmate and dependents.
- (7) The physical structure of the residence shall provide for adequate space, meet sanitary, health and safety requirements, and be in good repair. A functional telephone must be maintained in the residence at all times.
- (8) It will be verified that the inmate, including spouse or immediate family member living at the same residence, can and will provide adequate support towards the child, children, or other dependent. Eligibility requirements for assistance through the department of human services programs (FIP, food stamps, etc.) will be verified prior to final approval.
- (9) It will be verified that the inmate or immediate family living at the residence can provide adequate transportation or that public transportation is available.
- (10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the inmate and dependents.
- (11) Dependent care for an adult member of the inmate's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

b. Requirements.

- (1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the inmate. Where such dependents are not yet in school, child care may be considered as full-time employment.
- (2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from same shall be reported to staff in advance.

20.17(2) *Work program—eligibility criteria.* This program allows for selected inmates to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house, or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

- a.* The inmate must show a substantial need and interest for participation in the program.
- b.* The inmate must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.
- c.* Suitable employment and verification must be obtained by staff prior to consideration.

20.17(3) *Educational program—eligibility criteria.* This program allows for selected inmates to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

- a.* The inmate must show a substantial need and interest for participation in the program.

b. The inmate must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

20.17(4) General requirements for all three programs.

a. Participation in any of these programs at any level is a privilege, not a right, of which participating inmates are subject to and held accountable for all provisions of this policy as well as the specific program plan.

b. Institutional progress and recommended program participation must reflect an average or above rating.

c. Inmates must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IN-V-44 and administrative rule 20.12(904).

d. If applicable, community corrections residential/halfway house rules and regulations will apply as well as institutional rules including all program plan rules.

e. Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

f. The inmate may be required to submit to periodic or regular U.A. Testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

g. All activity will be monitored by community corrections staff and institutional staff as agreed.

h. All employment and educational earnings, less payroll deductions including education grants and expenses, shall be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

i. Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the inmate is meeting requirements of the program plan.

j. Special needs. In situations where inmates or the family have special needs, a case planning system shall be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

k. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

l. Temporary absence. Inmates may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, employment, etc., as indicated on the plan.

20.17(5) Application procedures.

a. Applications must be made to the present institutional classification committee (utilizing Form 1).

b. The application must contain all pertinent information and resources for the requested program.

c. The classification committee shall review each case considering all standards and criteria.

d. The classification committee's recommendation must be approved by the warden/superintendent.

e. If approved by the warden/superintendent, the recommendation and all pertinent information shall be forwarded to the deputy director for final approval.

f. If the recommendation is approved by the deputy director, the inmate must agree to abide by all rules established in the program plan including institutional rules and community corrections rules as well as all local, state, and federal laws.

g. Each level of review has the authority to deny the application or to make changes in the program plan including level of placement, i.e., institutional, residential/halfway house, home, as well as electronic monitoring devices.

h. Inmates placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

20.17(6) Violations.

a. Violation of any rule set forth in the program plan including any additional rules set forth by any authority listed in this policy may constitute the revocation of participation in either program at any level.

b. Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

20.17(7) Program activity. This rule does not create any liberty interest in the inmate's continued participation in any of the programs at any level listed under this rule, and the department of corrections or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

20.17(8) Waiver of liberty interests. As a condition for an inmate to participate in any of the programs at any level listed under this rule, the inmate must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an inmate's acceptance into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.

201—20.18(904) Violator programs. The department of corrections provides violator programs at two institutions: 60 female beds at the Iowa correctional institution for women (ICIW) at Mitchellville and 100 male beds at the correctional release center (CRC) at Newton. These programs require up to a 60-day confinement for probation, parole, and work release offenders that have violated conditions of supervision and would otherwise have been returned to or sent to prison.

20.18(1) The violator programs provide an intensive, highly structured, six- to eight-week treatment program (maximum 60 days) designed to divert certain offenders from imminent longer term incarceration.

20.18(2) "Violator" means probationer, parolee, or work releasee not having had community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke.

20.18(3) Offenders will be committed to a violator program pursuant to the provisions of Iowa Code section 904.207.

20.18(4) All probation offenders committed to a violator program shall be admitted to the Iowa medical and classification center (IMCC) reception unit. Upon admittance to IMCC, the transporting authority shall provide the receiving officer with: a court order disposing of the violation, including commitment to the custody of the director and stating violator program participation is a condition of probation; mittimus; case origination documents; indictment or information documents; minutes of testimony; and judgment entry.

20.18(5) All parole or work release offenders committed to a violator program shall enter the program through the IMCC reception unit.

The violator program shall be a condition of release, and the offender will remain in the custody of the department of corrections under the terms of the offender's original commitment.

20.18(6) Admission standards.

a. Reception process at IMCC, including medical intake screen, will normally be completed within seven days.

b. If further medical testing or treatment is necessary, transfer to the violator program may be delayed until such time as the additional testing or treatment is completed and the offender's health status permits transfer.

c. The department may deny admission to a violator program if the offender is medically unable to complete the program.

d. Offenders will not be allowed any personal property with the exception of clothing being worn at the time of admission to the IMCC reception unit. Other property will not be accepted by the IMCC receiving officer.

20.18(7) Release standards.

a. Upon successful completion of a violator program, offenders will be referred to the sending or supervising judicial district department of correctional services.

b. An offender that does not successfully complete the violator program will be returned to the sending or supervising judicial district department of correctional services for disposition.

20.18(8) An offender placed in a violator program will not be granted all the privileges and rights or may not be subject to certain requirements established in 201—Chapter 20. The following paragraphs establish which rules of 201—Chapter 20 that violators will or will not be subject to:

a. Rule 20.1(904)—Application of rules. Will not apply to violator programs except as otherwise stated.

b. Rule 20.2(904)—Title II definitions. Will apply only where listed in the following applicable rules.

c. Rule 20.3(904)—Visits to inmates. Offenders will not be allowed visits except individuals determined by staff and only in conjunction with participation in the family treatment component. Attorney and clergy visits must be scheduled in advance so as to not conflict with program schedules. Exceptions may be authorized by the warden.

d. Rule 20.4(904)—Mail. Offenders will be allowed mail privileges pursuant to rule 20.4(904) with the following exceptions:

(1) There will be no limit on the amount of incoming mail although program policy may limit the amount of mail that can be stored or maintained in the living area.

(2) Offenders will not receive an allowance and will not be allowed to receive outside source monies. Therefore, offenders will be provided writing materials and postage for two letters per week.

(3) Packages and publications will not be allowed.

e. Rule 20.5(904)—Gifts to inmates. Offenders will not be granted any of the privileges of rule 20.5(904).

f. Rule 20.6(904)—Publications. Offenders will not be granted any of the privileges or rights of rule 20.6(904).

g. Rule 20.7(904)—Interviews and statements. Rule 20.7(904) may apply only as stated “with prior consent of the warden.”

h. Rule 20.8(904)—Guests of institution. Rule 20.8(904) is nonapplicable since this rule has no impact on the violator program.

i. Rule 20.9(904)—Donations. Rule 20.9(904) is nonapplicable since this rule has no impact on the violator program.

j. Rule 20.11(904,910)—Restitution. Rule 20.11(904,910) will be temporarily suspended while offenders are in the program. Restitution plans will be maintained, and the plan of payment will be reinstated upon release from the program.

k. Rule 20.12(904)—Furloughs. Rule 20.12(904) will only apply in family emergency situations in accordance with 20.12(5) “a” and 20.12(6) “a,” although the criteria for eligibility is waived, and these furloughs will only be granted at the discretion of the warden with approval of the deputy director of institutions.

l. Rule 20.13(904)—Board of parole interviews. Rule 20.13(904) is nonapplicable since this rule has no impact on the violator program.

m. Rule 20.15(910A)—Victim notification. Rule 20.15(910A) will not apply to the violator program.

n. Rule 20.17(904)—Institutional community placement. Rule 20.17(904) will not apply to the violator program.

20.18(9) Good conduct time.

a. The provisions of Iowa Code chapter 903A do not apply to probationers and parolees.

b. The provisions of Iowa Code chapter 903A will apply to work releasees in accordance with work release policies and procedures.

20.18(10) Clothing, transportation, and release moneys. The provisions of Iowa Code section 906.9 will not apply to violator programs.

20.18(11) Any exceptions to these rules must be specifically approved by the warden/superintendent or designee.

This rule is intended to implement Iowa Code section 904.207.

201—20.19 Reserved.

201—20.20(904) Inmate telephone commissions.

20.20(1) All commissions received from the vendor will be deposited in a special account established by the institution.

20.20(2) All expenditures from this account will be used for the benefit of inmates. Expenditures shall include the enhancement of existing educational, vocational, recreational, work or treatment programs, services or projects, or to initiate new programs, services, or projects. Institutions are encouraged to give spending priority to programs, services, and projects that promote the health and welfare of inmates.

20.20(3) Each institution is authorized to expend or encumber up to 75 percent of available commission funds. No institution will be allowed to overspend its account or borrow from the account.

20.20(4) Twenty-five percent of each commission will be held in reserve to assist other institutional programs, services, or projects.

20.20(5) Requests requiring expenditures or encumbrances from the 25 percent reserve will be reviewed by a committee comprised of the director, deputy director of institutions, and a warden(s) to be selected by the deputy director of institutions. These requests will be reviewed at six-month intervals or upon special need as determined by the director.

a. These requests will be in writing to the deputy director of institutions and shall describe the product or service to be purchased, the expected benefit to inmates, and the actual cost.

b. The committee will approve, deny, or modify the request in writing.

20.20(6) The director may expend and encumber a portion of the 25 percent reserve fund to support or subsidize a service or project at an institution not having sufficient funds to complete a project or service.

This rule is intended to implement Iowa Code section 904.508A.

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OBJECTION

At its July, 1997 meeting the Administrative Rules Review Committee voted to object to ARC 7298A on the grounds that the filing was an unreasonable use of the “emergency” rulemaking procedures as set out in Iowa Code sections 17A.4 and .5. This filing amends rule 201 IAC 20.20, and provides that one half of the funds generated by telephone commissions will be retained by the institution, while the other half will be distributed by the central office. It was the feeling of the committee this was a significant change in policy that should have been preceded by a notice of intended action and a full opportunity for discussion before it was implemented. Moreover, question exists whether this particular filing “confers a benefit on the public”, as required by Iowa Code section 17A.5, since there is no explanation as to how the money will be spent by the central office.

The effect of this objection is to terminate this emergency filing 180 days after the objection is filed in the Administrative Code Editor’s office.